



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

July 10, 2014

REQUEST: City Council Bill #14-0391 / Urban Renewal – Coldstream Homestead Montebello – Amendment #10:

For the purpose of amending the Urban Renewal Plan for Coldstream Homestead Montebello to reauthorize the acquisition of properties within the Project Area; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

RECOMMENDATION: Approval.

STAFF: Kate Edwards

PETITIONER(S): The Administration (Department of Housing and Community Development)

HISTORY

- The Coldstream Homestead Montebello Urban Renewal Plan (URP) was established by Ordinance No. 289, dated February 28, 1977.
- The latest amendment was Amendment No. 10, dated January 31, 2011, approved by the Mayor and City Council of Baltimore by Ordinance No. 11-446, dated May 26, 2011.

CONFORMITY TO PLANS

This action is compatible with the City's Comprehensive Master Plan, LIVE section, Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 2: Strategically Redevelop Vacant Properties Throughout the City.

ANALYSIS

Maryland Law Amendment: In July of 2007, an amendment to the Maryland Annotated Code, Real Estate, Title 12 was made that requires an action for condemnation to be filed within four years of an authorization for acquisition. If that cannot be accomplished, then the authorization must be renewed:

§ 12-105.1. Condemnation action to acquire private property.

- (a) Time limitation.- Notwithstanding any other provision of law, the State or any of its instrumentalities or political subdivisions shall file an action to acquire private property for public use by condemnation within 4 years of the date of the specific administrative or legislative authorization to acquire the property.
- (b) New authorization.- If an action for condemnation is not filed within 4 years of the date described in subsection (a) of this section, the State or any of its instrumentalities or political subdivisions may not proceed with condemnation until it first obtains a new authorization to acquire the property. [2007, ch. 305]

The effect of this change in the Maryland Annotated Code is that all Urban Renewal Plans (URPs) that have designated properties for acquisition and disposition that have not yet been acted upon now need to be expressly confirmed and reauthorized every four years, for the life of the URP. Therefore, since four years have nearly elapsed since the date of the previous reauthorization in 2011, amendments to several Urban Renewal Plans are necessary in order to reauthorize each URP's powers of acquisition and condemnation. With each reauthorization, those actions may legally continue beyond December 31, 2014. While these URPs are being amended, there are also technical amendments to some of the URPs to remove properties which have already been acquired and disposed of and an extension of the life of two of the URPs which would otherwise terminate on their own terms prior to the end of the reauthorization period. To that end, the Department of Housing and Community Development (HCD) has introduced a group of bills with the goal of adoption before the December 31, 2014 acquisition authority expiration, to ensure that the City's acquisition authority is seamless. The group includes the following bills:

- CCB #14-0384 - Urban Renewal – Middle East
- CCB #14-0385 - Urban Renewal - Johnston Square
- CCB #14-0386 - Urban Renewal - Oliver
- CCB #14-0387 - Urban Renewal - Park Heights
- CCB #14-0388 - Urban Renewal - Reservoir Hill
- CCB #14-0389 - Urban Renewal - Poppleton
- CCB #14-0390 - Urban Renewal - Druid Heights
- CCB #14-0391 - Urban Renewal – Coldstream Homestead Montebello
- CCB #14-0392 - Urban Renewal - Broadway East

Effects of the Bill: The change proposed to this URP is technical in nature and is required to reauthorize the acquisition authority of the URP. The specific change is as follows:

- In the Plan, amend C.1.c. to read: “c. THE AUTHORITY TO ACQUIRE THE PROPERTIES WITHIN THE PROJECT AREA IS EXPRESSLY CONFIRMED AND REAUTHORIZED THROUGH AND INCLUDING DECEMBER 31, 2018.” This is the express reauthorization of the acquisition authority for the next four year period. This does not materially affect the purposes of the URP, and is required to comply with the requirements of the State of Maryland under the Maryland Annotated Code, as outlined above.

Community Notice: Article 13, *Housing and Urban Renewal*, is the section of the City Code that outlines the processes for establishment of and amendments to URPs. For new URPs, or major

changes, § 2-6(d) outlines the notice procedures, and include postings within the neighborhood, and two newspaper notices (one per week for two weeks) prior to the first public hearing.

For amendments to URPs, under § 2-6(g)(3) the amending bills are required to go through the same procedure as for adoption, that is, a City Council ordinance process. However, “If the Planning Commission determines that the proposed amendment is a technical correction or a minor modification that would not substantially affect the Plan or the size, use, or disposition of any property subject to the Plan, the proposed amendment need not be posted or advertised as otherwise required by subsection (d) of this section.”

Minor Modifications: The amendments proposed to these URPs are necessary to extend the time allowed for the City to continue with implementation of these plans through the acquisition of designated properties. Additionally, where the city has already disposed of designated properties the acquisition and disposition lists have been updated to remove those properties.

Staff recommends that the Planning Commission make and adopt the following finding:

- That the amendments to the URP as proposed in this bill are technical in nature, and they do not substantially affect the Plan, its size, or the use or disposition of any property subject to the Plan.

Staff Notification: Staff notified 31 community organizations of today’s hearing.

A handwritten signature in black ink, appearing to read "Thomas J. Stosur". The signature is fluid and cursive, with the first name "Thomas" and last name "Stosur" clearly distinguishable.

Thomas J. Stosur
Director